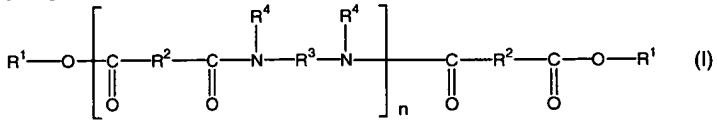
REMARKS

I. Status of Claims

Claims 1-347 were pending in this application. By this amendment, claims 1-320, 323, 324, 326-329, 331-333, 336, and 339-347 have been canceled. Claims 321, 325, 329, 330, 334, 335, 337, and 338 have been amended, and new claims 348-369 have been added.

Support for the amendment to claims 321, 325, 329, 330, 334, 335, 337, and 338 and for new claims 348-369 can be found in the originally filed specification. For the Examiner's convenience, Applicants point out in the following Table 1, the specific written description support in the specification for the elements of claims 321, 325, 329, 330, 334, 335, 337, and 338 as amended and new claims 348-321, 325, 329, 330, 334, 335, 337, and 338.

Table 1.

Element	Support in Specification
at least one structuring polymer chosen from polyamide polymers of formula (I):  (I) in which: - n is an integer which represents the number of amide units such that the number of ester groups present in said at least one structuring polymer ranges from 10% to 50% of the total number of all said ester groups and all said amide groups comprised in said at least one structuring polymer; - R^1, which are identical or different, are each chosen from alkyl groups having at least 4 carbon atoms and alkenyl groups having at least 4 carbon atoms; - R^2, which are identical or different, are each chosen from C_4 to C_{42} hydrocarbon-based	See paragraph bridging pages 10-11; see also page 11, fifth full paragraph

groups with the proviso that at least 50% of R^2 are chosen from C_{30} to C_{42} hydrocarbon-based groups; - R^3, which are identical or different, are each chosen from C_2 to C_{36} hydrocarbon-based groups; and - R^4, which are identical or different, are each chosen from hydrogen and C_1 to C_{10} alkyl groups, with the proviso that at least 50% of all R^4 are chosen from hydrogen	
wherein the at least one oil-soluble cationic surfactant is lauryl methyl gluceth-10-hydroxypropyl dimmonium chloride.	See page 25, second full paragraph
wherein the at least one structuring polymer is chosen from ethylenediamine/stearyl dimer tallate copolymer.	See page 12, third full paragraph, reciting Uniclear® and that Uniclear® is "mixtures of copolymers derived from monomers of (i) C_{36} diacids and (ii) ethylenediamine . . . ." See also International Cosmetic Ingredient Dictionary and Handbook ("CTFA") pages 657-58 (attached herewith as Exhibit 1), reciting that ethylenediamine/stearyl dimer tallate copolymer is at least one copolymer of ethylenediamine and tall oil dimer acid monomers, end-blocked with stearyl alcohol and further reciting that a trade name for ethylenediamine/stearyl dimer tallate copolymer is Uniclear®. Thus, the specification reasonably conveys a lipstick comprising at least one ethylenediamine/stearyl dimer tallate copolymer.
wherein the at least one structuring polymer is chosen from ethylenediamine/stearyl dimer dilinoleate copolymer.	See page 12, third full paragraph, reciting Uniclear® and that Uniclear® is "mixtures of copolymers derived from monomers of (i) C_{36} diacids and (ii) ethylenediamine . . . ." See also International Cosmetic Ingredient Dictionary and Handbook ("CTFA") pages 657-58 (attached herewith as Exhibit 1),

	reciting that ethylenediamine/stearyl dimer dilinoleate copolymer is at least one copolymer of ethylenediamine and stearyl dimer dilinoleate monomers, and further reciting that a trade name for ethylenediamine/stearyl dimer dinlinoleate copolymer is Uniclear®. Thus, the specification reasonably conveys a lipstick comprising at least one ethylenediamine/stearyl dimer dilinoleate copolymer.

II. Rejection under 35 U.S.C. § 103

Claims 321, 322, 325, 329, 330, 334, 335, 337, and 338 have been rejected under 35 U.S.C. § 103 as allegedly obvious over U.S. Patent No. 5,783,657 to Pavlin et al. ("Pavlin") in view of U.S. Patent No. 6,423,324 to Murphy et al. ("Murphy"), McCutcheon's Emulsifiers and Detergents, v. 1, pp. 272-73 (1993) ("McCutcheon's), and U.S. Patent No. 5,830,483 to Seidel et al. ("Seidel"), for the reasons of record.

According to the Examiner, Pavlin teaches the claimed at least one hydrocarbon-based repeating unit comprising at least one hetero atom, and "[w]hen considered as a whole, the Murphy reference suggests the desirability of using surfactants, including cationic surfactants, in combination with polyamide structurants in cosmetic compositions for modifying viscosity and improving the texture of the composition." Office Action at 3. The Examiner relies on Seidel as teaching lauryl methyl gluceth-10 hydroxypropyl ammonium chloride, the elected species of the at least one cationic surfactant. July 16, 2003, Office Action at 4-5.

From this, the Examiner concludes that it would have been obvious to add the cationic surfactants disclosed in Murphy to the composition of Pavlin "to further improve the stability and appearance of Pavlin's compositions by reducing susceptibility of the composition to syneresis, modifying viscosity and improving texture of the compositions . . . ." *Id.* at 5. Applicants respectfully traverse, as the Examiner has failed to establish a *prima facie* case of obviousness.

In order to establish a *prima facie* case of obviousness, the Examiner must demonstrate, among other things, some suggestion or motivation to modify or combine reference teachings. M.P.E.P. § 2143. This the Examiner has not done. Applicants find no motivation, in either Pavlin or Murphy, to combine at least one oil-soluble cationic surfactant with the polyamide gelling agent of Pavlin, nor has the Examiner pointed to any such motivation. One of ordinary skill in the art would fail to find such motivation in Murphy for at least the reason that Murphy only discloses cationic surfactants as a non-preferred embodiment and fails to directly disclose oil-soluble cationic surfactants at all.

As Applicants have discussed in detail on the record, Murphy only discloses cationic surfactants briefly, and as a non-preferred embodiment. Applicants do not assert that Murphy fails to teach or suggest at least one cationic surfactant at all, but rather, that one of ordinary skill in the art would not be motivated to add such a cationic surfactant to the composition of Pavlin, in light of both the brief disclosure and the non-preferred nature of the cationic surfactant. Even assuming *arguendo* one of ordinary skill in the art would have been motivated to add a surfactant to the composition of Pavlin, he would have chosen a **non-ionic** surfactant, as is clear from the disclosure of

Murphy: "Preferably the surfactant is a nonionic surfactant or a nonionic surfactant blend having an HLB value of about 3 to about 20." Murphy at col. 9, ll. 8-10. Murphy then goes on to elaborate upon exemplary nonionic surfactants in over a column and a half of detailed text. Yet Murphy only summarily adds, "In addition to nonionic surfactants, anionic or cationic surfactants can be used as the surfactant." *Id.* at col. 10, ll. 46-47.

Moreover, Murphy no where specifically mentions oil-soluble cationic surfactants, but instead merely incorporates by reference a laundry list of more than 340 cationic surfactants, none of which are identified by the nature of their solubility as to whether they are oil-soluble or water-soluble. See McCutcheon's at 272-73. It is unreasonable to conclude that from this generic disclosure of non-preferred cationic surfactants, one of ordinary skill in the art would be motivated to pick and choose an oil-soluble cationic surfactant, incorporated by reference and buried amongst a disclosure of hundreds of other cationic surfactants.

Instead, one of ordinary skill in the art, when reading this disclosure as a whole, would not ignore the detailed and specific teachings regarding a nonionic surfactant, and instead pick a cationic surfactant that happens to be oil-soluble. To conclude otherwise is a failure read the disclosure as a whole, in favor of improperly picking and choosing from the disclosure. "One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988). Such picking and choosing does not provide the requisite degree of motivation necessary to modify or combine the references. Accordingly, the Examiner has failed to establish that one of ordinary skill

would be motivated to combine the cationic surfactant of Murphy with the composition of Pavlin, and further that the cationic surfactant would be an oil-soluble cationic surfactant. Applicants therefore respectfully request withdrawal of this rejection.

III. Obviousness-Type Double Patenting

Applicants direct the Examiner to Table 2, below, listing 37 related, copending applications and patents. For the Examiner's convenience in assessing this issue, Applicants provide herewith Exhibit 2, which contains all of the currently pending claims in the 37 related, copending applications and patents, including the instant application.

IV. U.S. Patent No. 6,497,861 to Wang et al.

As referenced in the Information Disclosure Statement filed herewith, Applicants are aware of U.S. Patent No. 6,497,861 to Wang et al. ("Wang"), filed June 21, 2001. However, Applicants do not believe that this patent is prior art with respect to the present application. In this regard, Applicants point out that the instant application was filed on December 12, 2000. Nor do Applicants believe that the claims presented herein define the same patentable invention as any of those of Wang. Hence, Applicants do not believe that there is any interfering subject matter between the present claims and those of Wang.

V. Commonly Assigned Applications

Applicants have identified the related copending applications and patents below in Table 2 that were filed prior to December 12, 2000. Applicants do not believe that any of the identified copending U.S. Patent Applications or any relevant publications thereof or relevant PCT publications of a counterpart thereof, describes or suggests the

subject matter of the claims of the present application under 35 U.S.C. § 102(e) and/or § 103.

Also listed in Table 2, below, is the publication information (U.S. Published Applications and/or U.S. Patents), if any, that correspond to these copending applications and their dates of publication. Applicants assert that all of the applications listed in Table 2 that were filed prior to the instant application's priority date were commonly owned by the Assignee at the time the instant invention was made, which instant invention was also subject to assignment to the Assignee. Moreover, Applicants have provided for the Office's convenience the available assignment information in Table 2 or confirmed the obligation of assignment with the assignee, demonstrating that none of these applications, patents, or publications is available as § 102(e)/§ 103 prior art against claims 321, 322, 325, 330, 334, 337, 338, and 348-369. *See* 35 U.S.C. § 103(c).

VI. Patentability over Copending Applications and Patents Issued Therefrom Cited in Information Disclosure Statements

For the Office's convenience, Applicants identify in Table 2 below 37 related applications or patents, including the instant application, as well as those listed on the PTO Forms 1449 filed on March 20, 2002, June 26, 2002, and October 23, 2002, or filed herewith, including filing date, assignment, and inventor information. This should assist the Office in assessing any possible issues under statutory double patenting. This information will also allow the Office to address any issues of obviousness-type double patenting not discussed above. Applicants do not believe that any issue with respect to statutory double patenting under 35 U.S.C. § 101 is present with respect to claims 321, 322, 325, 330, 334, 337, 338, and 348-369 of the instant application and the

claims of any other application or patent listed in Table 2. To be sure, however, Applicants provide Exhibit 2, which contains all of the claims of the 37 applications and patents, including the instant claims. As the Office can see from Exhibit 2, no other application contains claims which are identical to the instant claims.

Table 2.

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	Publication Date
05725.0594-00000	09/733,899	December 12, 2000	Mohamed KANJI, Carl ORR, and Carlos O. PINZON	COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE FILM-FORMING SILICONE RESIN AND METHODS OF USING	Reel 011723, Frame 0503, on April 20, 2001	U.S. Published Application No. US 2002/0114773 A1 Dated: August 22, 2002
05725.0595-00000	09/733,900	December 12, 2000	Carlos O. PINZON and Paul THAU	COSMETIC COMPOSITIONS CONTAINING HETEROPOLY-MERS AND OIL-SOLUBLE CATIONIC SURFACTANTS AND METHODS OF USING SAME	Reel 011639, Frame 0897, on March 23, 2001	U.S. Published Application No. US 2002/0122781 A1 (Republished US 2003/0082126A9 on May 1, 2003) Dated: September 5, 2002
05725.0656-00000	09/618,066	July 17, 2000	Véronique FERRARI and Pascal SIMON	COMPOSITIONS IN RIGID FORM STRUCTURED WITH A POLYMER	Reel 011057, Frame 0676, on September 11, 2000	N/A: Will not publish
05725.0656-01000	09/685,577	October 11, 2000	Véronique FERRARI and Pascal	COMPOSITIONS IN RIGID FORM STRUCTURED	Reel 011455, Frame 0203, on January	N/A: Will not publish

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	Publication, Date
01000			SIMON	WITH A POLYMER	22, 2001	
05725. 0659- 00000	09/618,032, issued on June 11, 2002, as U.S. Patent No. 6,402,408	July 17, 2000	Véronique FERRARI	COMPOSITION CONTAINING A LIQUID FATTY PHASE GELLED WITH A POLYAMIDE CONTAINING ESTER END GROUPS	Reel 011057, Frame 0007, on September 12, 2000	U.S. Patent No. 6,402,408 Dated: June 11, 2002
05725. 0659- 01000	09/685,578	October 11, 2000	Véronique FERRARI	COMPOSITION CONTAINING A LIQUID FATTY PHASE GELLED WITH A POLYAMIDE CONTAINING ESTER END GROUPS	Reel 011549, Frame 0914, on February 20, 2001	N/A: Will not publish
05725. 0795- 01000	10/182,830	August 2, 2002 371 (c) Date: January 21, 2003	Roberto CAVA-ZZUTI, Véronique FERRARI, Brian MATTOX, Carlos O. PINZON, and Paul THAU	USE OF POLYAMIDE POLYMER IN A MASCARA COMPOSITION COMPRISING AT LEAST ONE SOLID SUBSTANCE HAVING A MELTING POINT OF 45°C OR GREATER	Reel 014040, Frame 0345, on May 7, 2003	U.S. Published Application No. 2003/0147837 A1 Dated: August 7, 2003
05725. 0795- 02000	10/787,441	February 27, 2004	Roberto CAVA-ZZUTI, Véronique FERRARI, Brian MATTOX, Carlos O. PINZON, and Paul THAU	METHOD OF MAKING A MASCARA COMPOSITION-COMPRISING POLYAMIDE POLYMER AND AT LEAST ONE SOLID SUBSTANCE HAVING A MELTING POINT OF 45°C OR	Reel 014040, Frame 0345, on May 7, 2003	US Published Application No. 2004-0166133 A1 Dated August 26, 2004

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	Publication Date
				GREATER		
05725.0806-00000	09/733,896	December 12, 2000	Carlos O. PINZON and Paul THAU	COMPOSITIONS CONTAINING HETEROPOLY-MERS AND OIL-SOLUBLE POLYMERS AND METHODS OF USING SAME	Reel 011765, Frame 0183, on April 26, 2001	U.S. Published Application No. US 2002/0120036 A1 (Republished US 2003/0125427 A9 on July 3, 2003) Dated: August 29, 2002
05725.0808-00000	09/733,898	December 12, 2000	Carlos O. PINZON, Paul THAU, and Isabelle BARA	COMPOSITIONS CONTAINING HETEROPOLY-MERS AND OIL-SOLUBLE ESTERS AND METHODS OF USING SAME	Reel 011654, Frame 0869, on April 2, 2001	U.S. Published Application No. US 2002/0107314 A1 Dated: August 8, 2002
05725.0808-02000	Not yet assigned	August 16, 2004	Carlos O. PINZON, Paul THAU, and Isabelle BARA	COMPOSITIONS CONTAINING HETEROPOLY-MERS AND OIL-SOLUBLE ESTERS AND METHODS OF USING SAME	Reel 011654, Frame 0869, on April 2, 2001	Not yet published
05725.0809-00000	09/733,897	December 12, 2000	Carlos O. PINZON and Paul THAU	COMPOSITIONS CONTAINING HETEROPOLY-MERS AND METHODS OF USING SAME	Reel 011646, Frame 0966, on April 4, 2001	U.S. Published Application No. US 2002/0111330 A1 Dated: August 15, 2002

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	Publication, Date
05725. 0816- 01000	10/203,018	August 5, 2002 371 (c) Date: March 24, 2003	Véronique FERRARI, Richard KOLOD-ZIEJ, Carlos O. PINZON, and Paul THAU	USE OF POLYAMIDE POLYMER IN A MASCARA COMPOSITION COMPRISING AT LEAST ONE INERT FILLER	Reel 014055, Frame 0428, on March 24, 2003	U.S. Published Application No. US 2003/0161848 A1 Dated: August 28, 2003
05725. 0816- 02000	10/787,440	February 27, 2004	Véronique FERRARI, Richard KOLOD-ZIEJ, Carlos O. PINZON, and Paul THAU	METHOD OF MAKING A MASCARA COMPOSITION COMPRISING A POLYAMIDE POLYMER AND AT LEAST ONE INERT FILLER	Reel 014055, Frame 0428, on March 24, 2003	U.S. Published Application No. US 2004-0166076 A1 Dated August 26, 2004
05725. 0817- 01000	10/203,254	August 7, 2002 371 (c) Date: December 20, 2002	Véronique FERRARI, Carlos O. PINZON, and Paul THAU	COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLY-MER AND AT LEAST ONE GELLING AGENT AND METHODS OF USING THE SAME	Reel 013607, Frame 0258, on December 20, 2002	U.S. Published Application No. US 2003/0185780 A1 Dated: October 2, 2003
05725. 0819- 01000	10/129,377	May 3, 2002 371 (c) Date: October 16, 2002	Véronique FERRARI	COMPOSITION STRUCTURED WITH A POLYMER CONTAINING A HETEROATOM AND AN ORGANOGELL-ATOR	Filed October 16, 2002. Not yet recorded.	Not yet published
05725. 0832- 00000	09/749,036	December 28, 2000	Véronique FERRARI and Véronique JACQUES	COMPOSITION COMPRISING AT LEAST ONE HETERO POLYMER AND	Reel 011723, Frame 0518, on April 20, 2001	U.S. Published Application No. US 2001/003128

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	Publication, Date
			JACQUES	AT LEAST ONE PASTY FATTY SUBSTANCE AND METHODS FOR USE		0 A1 Dated: October 18, 2001
05725. 0895-00000	09/971,028 issued on April 6, 2004 as U.S. Patent No. 6,716,420	October 5, 2001	Mohamed KANJI	METHODS OF USE AND OF MAKING A MASCARA COMPRISING AT LEAST ONE COLORING AGENT AND AT LEAST ONE HETEROPOLYMER	Reel 012411, Frame 0820, on December 28, 2001	U.S. Published Application No. US 2003/0086883 A1 Dated: May 8, 2003
05725. 0895-01000	10/413,217	April 15, 2003	Mohamed KANJI	METHODS OF USE AND OF MAKING A MASCARA COMPRISING AT LEAST ONE COLORING AGENT AND AT LEAST ONE POLYAMIDE POLYMER CHOSEN FROM ETHYLENEDIAMINE/STEARYL DIMER TALLATE COPOLYMER	Reel 012411, Frame 0820, on December 28, 2001	U.S. Published Application No. US 2003/0198613 A1 Dated: October 23, 2003
05725. 0895-02000	10/699,780	November 4, 2003	Sue FENG and Mohamed KANJI	METHODS OF DISPERSING AT LEAST ONE COLORING AGENT USING AT LEAST ONE HETEROPOLY-MER	Reel 012411, Frame 0820, on December 28, 2001	U.S. Published Application No. US 2004/0091510 A1 Dated: May 13, 2004
05725. 0896-00000	10/198,931	July 22, 2002	Mohamed KANJI	COMPOSITIONS COMPRISING AT LEAST ONE HETEROPOLY-MER AND	Reel 013410, Frame 0044, on October 21, 2002	U.S. Published Application No. US 2004/001362

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	Publication, Date
				FIBERS, AND METHODS OF USING THE SAME		5 A1 Dated: January 22, 2004
05725. 0920-00000	09/899,909, issued on August 13, 2002 as U.S. Patent No. 6,432,391	July 9, 2001	Isabelle BARA	TRANSPARENT SCENTED SOLID COSMETIC COMPOSITION	Reel 012278, Frame 0077, on October 23, 2001	U.S. Patent No. 6,432,391 Dated: August 13, 2002
05725. 0932-00000	09/937,314	September 24, 2001 371 (c) Date: December 6, 2001	Véronique FERRARI	A TRANSFER-FREE MASCARA COMPOSITION COMPRISING AT LEAST ONE VOLATILE SOLVENT AND AT LEAST ONE POLYMER	Reel 012476, Frame 0507, on January 17, 2002	U.S. Published Application No. US 2004/0086478 A1 Dated: May 6, 2004
05725. 1003-00000	10/012,029	December 11, 2001	Nathalie COLLIN	COSMETIC COMPOSITION COMPRISING A POLYMER BLEND	Reel 013142, Frame 0645, on August 1, 2002	U.S. Published Application No. US 2003/0012764 A1 Dated: January 16, 2003
05725. 1004-00000	10/012,051	December 11, 2001	Nathalie COLLIN	USE OF AT LEAST ONE POLYAMIDE POLYMER IN A MASCARA FOR RAPIDLY INCREASING THE AMOUNT OF MAKE-UP DEPOSITED ON EYELASHES	Reel 012847, Frame 0285, on April 30, 2002	U.S. Published Application No. US 2002/0189030 A1 Dated: December 19, 2002

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	Publication, Date
05725. 1005-00000	10/012,052	December 11, 2001	Nathalie COLLIN	COSMETIC COMPOSITION CONTAINING A WAX AND A POLYMER	Reel 012847, Frame 0264, on April 30, 2002	U.S. Published Application No. US 2002/0168335 A1 Dated: November 14, 2002
05725. 1018-00000	10/046,568	January 16, 2002	Xavier BLIN, Véronique FERRARI, and Frédéric AUGUSTE	NAIL POLISH COMPOSITION COMPRISING A POLYMER	Reel 013109, Frame 0731, on July 18, 2002	U.S. Published Application No. US 2002/0192168 A1 Dated: December 19, 2002
05725. 1020-00000	10/047,987	January 17, 2002	Véronique FERRARI	COSMETIC COMPOSITION COMPRISING A POLYMER AND A FLUORO OIL	Reel 012910, Frame 0028, on May 17, 2002	U.S. Published Application No. US 2002/0172696 A1 Dated: November 21, 2002
05725. 1187-00000	10/312,083	December 23, 2002 371 (c) Date: March 26, 2003	Patricia LEMANN	COSMETIC COMPOSITION COMPRISING AN EMULSION CONTAINING A LIQUID FATTY PHASE STRUCTURED WITH A POLYMER, AND AN ALKYLENE-OXIDE-CONTAINING EMULSION STABILIZER	Reel 014039, Frame 0976, on March 26, 2003	U.S. Published Application No. US 2003/0161807 A1 Dated: August 28, 2003

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	Publication, Date
05725. 1198-00000	10/450,108	June 11, 2003 371 (c) Date: June 11, 2003	Nathalie COLLIN	COSMETIC COMPOSITION COMPRISING A POLYMER AND FIBERS	Not yet filed/recorded	U.S. Published Application No. US 2004/0028636 A1 Dated: February 12, 2004
05725. 1228-00000	10/466,166	July 14, 2003 371 (c) Date: January 20, 2004	Nathalie COLLIN	COSMETIC COMPOSITION COMPRISING A MIXTURE OF POLYMERS	Filed January 20, 2004. Not yet recorded.	U.S. Published Application No. US 2004/0126401 A1 Dated: July 1, 2004
05725. 1336-00000	10/459,636	June 12, 2003	Shao Xiang LU and Mohamed KANJI	COSMETIC EMULSIONS CONTAINING AT LEAST ONE HETERO POLYMER AND A SUNSCREEN AND METHODS OF USING SAME	Filed October 3, 2003; not yet recorded	U.S. Published Application No. US 2004/0042980 A1 Dated: March 4, 2004
05725. 1337-00000	10/618,315	July 11, 2003	Shao Xiang LU, Terry VAN LIEW, and Nathalie GEFFROY-HYLAND	COSMETIC COMPOSITIONS COMPRISING A STRUCTURING AGENT, SILICONE POWDER AND SWELLING AGENT	Filed August 12, 2003 and January 30, 2004; not yet recorded	Not yet published
05725. 1338-01000	10/746,612	December 22, 2003	Shao Xiang LU, Terry VAN LIEW, Nathalie GEFFROY-HYLAND, and Mohamed	COSMETIC COMPOSITIONS COMPRISING A STRUCTURING AGENT, SILICONE POWDER AND SWELLING	Not yet filed/recorded	Not yet published

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	Publication, Date
			KANJI	AGENT		
05725. 1338-02000	10/747,412	December 22, 2003	Shao Xiang LU and Mohamed KANJI	COSMETIC EMULSIONS CONTAINING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE SUNSCREEN AND METHODS FOR USING THE SAME	Not yet filed/recorded	Not yet published
06028. 0018-00000	10/203,375	August 9, 2002 371 (c) Date: August 9, 2002	Nathalie JAGER-LEZER and Jean-Christophe SIMON	COLOURED TRANSPARENT OR TRANSLUCENT COSMETIC COMPOSITION	Reel 013318, Frame 0962, on August 9, 2002	U.S. Published Application No. US 2003/0026772 A1 Dated: February 6, 2003
06028. 0019-00000	10/203,374	August 9, 2002 371 (c) Date: August 9, 2002	Jean-Christophe SIMON and Nathalie JAGER-LEZER	METHOD FOR MAKING A COLOURED MAKE-UP COSMETIC COMPOSITION WITH CONTROLLED TRANSMITT-ANCE	Reel 013321, Frame 0001, on August 9, 2002	U.S. Published Application No. US 2003/0044367 A1 Dated: March 6, 2003

VII. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: September 7, 2004

By: _____ Reg. No. 46,203
Erin C. DeCarlo
for Reg. No. 51,688

Attachments: **Exhibit 1 -** International Cosmetic Ingredient Dictionary and Handbook ("CTFA") pages 657-58

Exhibit 2 - Pending Claims in Copending Applications